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# ***Public Utilities Commission of the State of California***

## ***Results of Public Agenda 3105***

***Meeting Held on Thursday, January 16, 2003 10:00 a.m.***

***San Francisco, California***

### **Commissioners**

**Michael R. Peevey, President**

**Geoffrey F. Brown**

**Susan P. Kennedy**

**Loretta M. Lynch**

**Carl W. Wood**

*Website: <http://www.cpuc.ca.gov>*

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### **Scheduled Commission Meetings**

**505 Van Ness Avenue, San Francisco**

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <b><i>Closed to the Public</i></b>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <b><i>Open to the Public</i></b>
Monday, February 10, 2003 (San Francisco)	Thursday, January 30, 2003 (San Francisco)
Friday, February 21, 2003 (San Francisco at 11:00 a.m.)	Thursday, February 13, 2003 (San Francisco)
Monday, March 10, 2003 (San Francisco)	Thursday, February 27, 2003 (San Francisco)
Friday, March 28, 2003 (San Francisco at 11:00 a.m.)	Thursday, March 13, 2003 (San Francisco)
	Thursday, April 03, 2003 (San Francisco)

*\*Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor  
(415) 703-2074 E-mail: [public.advisor@cpuc.ca.gov](mailto:public.advisor@cpuc.ca.gov)



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## PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
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### Public Comment:

Re C-1: Margaret Felts, California Telephone Association, Sacramento, CA

## Consent Agenda

*Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.*

### Orders and Resolutions

- |                            |   |
|----------------------------|---|
| <b>CA-1</b><br><b>1413</b> | <b>Res TL-19018</b><br>Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.<br><b>Outcome Approved</b><br>Yes: (Brown, Kennedy, Lynch, Peevey, Wood)<br>No: (none)<br>Abstain: (none)<br>Absent: (none)  |
| <b>CA-2</b><br><b>1415</b> | <b>Res ALJ 176-3105</b><br>Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.<br><b>Outcome Approved</b><br>Yes: (Brown, Kennedy, Lynch, Peevey, Wood)<br>No: (none)<br>Abstain: (none)<br>Absent: (none) |

**CA-3  
1320****A99-12-025 - Valencia Water Company (Valencia).**

Application of Valencia seeking approval of its updated Water Management Program as ordered in Commission Resolution W-4154 dated August 5, 1999. This decision awards Sierra Club \$46,990.96 in compensation for its contribution to D01-11-048 granting Valencia permission to expand its service area. This proceeding is closed.

(Comr Brown - ALJ Patrick)

(Agenda 3101, Item CA-28 11/21/2002 (Wood); Agenda 3103, Item CA-10 12/17/2002 (Lynch))

**Outcome Held (1/30/03, Consent Agenda.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-5  
1404****Res W-4365 - California-American Water Company (Cal-Am).**

This resolution authorizes Cal-Am to file rate schedules for Ralph Lane Water System and Chualar Water System which are to be acquired from Monterey County. (Advice Letter 565, filed May 6, 2002.)

(Agenda 3102, Item CA-29 12/5/2002 (Staff); Agenda 3103, Item CA-6 12/17/2002 (Staff))

**Outcome Approved**

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-6  
1434****R98-07-037 - Order Instituting Rulemaking on the Commission's proposed policies and programs governing energy efficiency, low-income assistance, renewable energy and research development and demonstration.**

This decision denies, without prejudice, the Petition for Modification of D01-03-073 filed by Mafi-Trench Corporation, U.S.A. (Mafi-Trench), pending receipt and review of additional information from Mafi-Trench concerning the technology that it proposes for inclusion in the self-generation program.

(Comr Lynch - ALJ Gottstein)

**Outcome Signed**

[D03-01-006](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-7  
1460****A96-08-001 - Pacific Gas and Electric Company.**

For categorization of non-nuclear generation-related sunk costs eligible for recovery in the competition transition charge. A96-08-006, A96-08-007, A96-08-070, A96-08-071, A96-08-072 - Related matters. This decision resolves the petition to modify D97-06-060 and D97-11-074 and closes the proceedings.

(Comr Peevey - ALJ Minkin)

**Outcome Signed**

[D03-01-007](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-8  
1491****A95-06-002 - Southern California Gas Company (SoCalGas).**

To adopt performance based regulation for base rates to be effective January 1, 1997. This decision denies SoCalGas' petition to suspend its performance based ratemaking cost of capital trigger mechanism. This proceeding is closed.

(Comr Peevey - ALJ Galvin)

**Outcome Signed**

[D03-01-008](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-9  
1492****A92-09-054 - J.C. Bangerter & Sons, Inc. (Bangerter).**

For a Certificate of Public Convenience and Necessity to operate as a highway common carrier under Public Utilities Code Section 1063. C93-03-071 - Related matters. Bangerter sought additional highway carrier authority. Dick Simon Trucking, Inc., complainant, challenged request and sought revocation of Bangerter's existing authority. The Commission no longer has jurisdiction as to the underlying subject matter. Both the application and complaint are dismissed. These proceedings are closed.

(Comr Brown - ALJ Weismehl)

**Outcome Signed**

[D03-01-009](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-10  
1496****A00-05-013 - Pacific Gas and Electric Company (PG&E).**

For authority to establish its authorized rates of return on common equity and for electric distribution and gas distribution for Year 2001, and adoption of an annual cost of capital adjustment mechanism. PG&E's application for a 2001 test year return on equity is dismissed. This proceeding is closed.

(Comr Wood - ALJ Galvin)

**Outcome Signed**

[D03-01-010](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-11  
1498****A98-07-003 - Pacific Gas and Electric Company.**

For verification, consolidation, and approval of costs and revenues in the Transition Revenue Account. The Newark Group, Inc. seeks exemption from a Commission-approved tariff on the ground it did not contribute to the costs reflected in the tariff. Held. Petition is denied. All customers taking service under tariff pay the tariff regardless of when costs were incurred.

(Comr Wood - ALJ Barnett)

**Outcome Signed**

[D03-01-011](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-12  
1504****A99-03-014 - Pacific Gas and Electric Company (PG&E).**

To revise its electrical marginal costs, revenue allocation and rates at the end of the rate freeze. The disposition of proposed Schedule E-31 will be resolved through Advice Letter (AL) 2276-E. Schedule ED shall remain open, and PG&E shall file an AL within five days containing the necessary revisions. All other issues may be considered in PG&E's test year 2003 general rate case. This proceeding is closed.

(Comr Lynch - ALJ Mattson)

**Outcome Signed**

[D03-01-012](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-13  
1515****A02-03-031 - Sacramento Regional Transit District (District).**

This decision grants the request of the District for an order authorizing the construction, maintenance, and operation of a light rail passenger system on a structure over Florin Road in the City of Sacramento, County of Sacramento. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

[D03-01-013](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-14  
1525****A01-07-020 - Phuc Nguyen Huu California Express Xe Do Cali (Phuc Nguyen Huu).**

This decision grants the application of Phuc Nguyen Huu to operate an on-call, inter-city, passenger stage and baggage express service between points in Orange, Los Angeles and Santa Clara counties. The decision denies the protect filed by MotorSTATION CORP. and the "objection" filed by Xe Do Hoang Transportation, LLC. This proceeding is closed.

(Comr Kennedy - ALJ Evans)

**Outcome Held (1/30/03, Consent Agenda.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-15  
1526****Res G-3336 - Southern California Gas Company (SoCalGas).**

SoCalGas requests approval of its sharable earnings filing, which reports SoCalGas' Performance-Based Ratemaking Mechanism results for 2000. Advice Letter (AL) 3033 is approved. (AL 3033, filed June 25, 2001)

**Outcome Approved**

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-16  
1530****A01-12-037 - State of California, Department of Transportation (Caltrans).**

This decision grants the request of Caltrans to widen northbound structure of West Van Nuys Overhead Bridge of State Route 405 at separated grades over tracks of Los Angeles County Metropolitan Transportation Authority in City of Los Angeles, Los Angeles County. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

[D03-01-014](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-17  
1531****A01-12-045 - Sacramento Regional Transit District (SRTD).**

This decision grants the request of SRTD for an order authorizing the construction and maintenance of eight at-grade pedestrian-rail crossings in the City and County of Sacramento. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

[D03-01-015](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-18  
1532****A02-05-045 - Cathedral City**

This decision grants the request to widen the existing 75-foot wide Date Palm Overhead grade separation in Cathedral City, Riverside County. The purpose of the widening is to accommodate future traffic needs and coincide with the I-10 interchange project. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

[D03-01-016](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-19  
1533****A02-06-036 - State of California, Department of Transportation (Caltrans).**

This decision grants the request of Caltrans to construct a new overhead structure parallel to the existing Plumas Arboga Overhead (PUC No.4-170.30-A) on State Route 70 over the tracks of the Union Pacific Railroad Company in the County of Yuba. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

[D03-01-017](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-20  
1534****A02-08-028 - City of Irvine**

This decision grants the request of the City of Irvine to replace an existing at-grade crossing with a grade-separated underpass at Jeffrey Road in the City of Irvine, Orange County. The proceeding is closed.

(Exam Clark)

**Outcome Signed**

[D03-01-018](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-23  
1539****(ECP) C02-06-023 - Daniel Baldwin vs. Southern California Edison Company.**

Complaint for reparations of \$1,717.16. Defendant paid the money to Complainant after hearing. Complaint dismissed on the ground that it has been satisfied. This proceeding is closed.

(Comr Brown - ALJ Barnett)

**Outcome Signed**

[D03-01-019](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)



**CA-24  
1540                    R01-08-027 - Order Instituting Rulemaking on the Commission's Proposed Policies and Programs Governing Low-Income Assistance Programs.**

This decision adopts a funding level, schedule, and request for proposal for Phase 2 of the Low-Income Needs Assessment Study, and adopts the Low-Income Needs Assessment Phase 1 Report.

(Comr Wood - ALJ Gottstein)

**Outcome   Signed**

[D03-01-020](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-25  
1541                    Res SX-53 - Los Angeles County Metropolitan Transportation Authority (LACMTA).**

This resolution authorizes LACMTA to make improvements and changes to the location of light rail vehicle signals and signs for the street-running section of the Long Beach Blue Line in City of Long Beach, Los Angeles County.

**Outcome   Approved**

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-26  
1545                    Res W-4369 - The Sea Ranch Water Company.**

This resolution authorizes an increase in general metered rates producing an increase in annual revenues of \$81,215 or 15.6% and establishes an irrigation rate schedule producing an increase in irrigation revenues of \$4,559 or 28.2% for test year 2002.

**Outcome   Approved**

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-27  
1549                    Res W-4371 - Southern California Water Company (SCWC) Metropolitan District.**

This resolution authorizes an increase in rates producing an increase in annual revenue of \$2,711,669 or 3.6% to offset infrastructure replacement costs and establish price index increases. (Advice Letter 1112-W, filed October 28, 2002)

**Outcome   Approved**

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

- CA-28**  
**1550**      **Res W-4370 - Timberland Water Company.**  
This resolution authorizes a general rate increase producing additional annual revenues of \$29,793 or 79.89% in 2003.  
**Outcome    Approved**  
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)
- CA-29**  
**1552**      **Res T-16723 - Pacific Bell Telephone Company (PacBell).**  
This resolution approves an Interconnection Agreement between PacBell and Sprint Communications Company L.P., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23309, filed October 21, 2002)  
**Outcome    Approved**  
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)
- CA-30**  
**1553**      **Res T-16725 - Pacific Bell Telephone Company (PacBell).**  
This resolution approves an Interconnection Agreement between PacBell and Time Warner Telecom of California, L.P., in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 23319, filed October 25, 2002.)  
**Outcome    Approved**  
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)
- CA-31**  
**1554**      **Res T-16726 - Verizon California, Inc. (Verizon).**  
This resolution approves an Interconnection Agreement between Verizon and ECI Communications, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 10260, filed October 31, 2002)  
**Outcome    Approved**  
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)

**CA-32  
1556****A00-01-024 - Pacific Gas and Electric Company (PG&E).**

For proposing prices and conditions for the purchase by customers of their existing meters in compliance with D98-07-032 and D99-11-008. A00-01-029, A00-01-030 - Related matters. This decision grants The Utility Reform Network an award of \$2,590.10 in compensation for substantial contributions to D02-10-008. The decision adopted a settlement agreement involving PG&E, San Diego Gas & Electric Company, and Southern California Edison Company related to the purchase by customers of their existing electric meters. These proceedings are closed.

(Comr Wood - ALJ Walker)

**Outcome Signed**[D03-01-021](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-33  
1557****A00-04-042 - Southern California Edison Company (SCE).**

For an order approving proposed settlement agreement between SCE and Coso Finance Partners et al. This decision grants the unopposed motion of SCE to extend the protective order imposed by D00-11-041 for another two years. This proceeding is closed.

(Comr Peevey - ALJ Vieth)

**Outcome Signed**[D03-01-022](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-34  
1559****A00-05-007 - City of Oakdale.**

This decision authorizes the City of Oakdale to construct a grade-separated highway-rail crossing at the extension of Willowood Drive at the track of the Burlington Northern Santa Fe Railway Company in Oakdale, Stanislaus County. This proceeding is closed.

(Exam Clark)

**Outcome Signed**[D03-01-023](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-35  
1560****A01-11-021 - City of Los Angeles (Harbor Department).**

This decision grants the request of City of Los Angeles (Harbor Department) to construct a grade-separated overcrossing of Ocean Boulevard in City of Long Beach and an at-grade crossing of Reeves Avenue in Cities of Long Beach and Los Angeles, both located near the center of Terminal Island. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

[D03-01-024](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-36  
1561****A01-12-005 - Alameda Corridor Transportation Authority (ACTA).**

ACTA requests authority to reconstruct two existing at-grade highway-railroad crossings along the ACTA By-Pass Track. The first crossing is in the County of Los Angeles and the City of Compton at the intersection of 134th Street/Pine Avenue with Alameda Street. The second crossing is in the City of Lynwood at the intersection of Martin Luther King Jr. Boulevard/Century Boulevard with Alameda Street. Granted. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

[D03-01-025](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-37  
1562****A02-01-019 - Alameda Corridor Transportation Authority (ACTA).**

ACTA requests authority to construct two additional main line tracks underneath the existing Anaheim Street overhead grade separation bridge structure in the City of Los Angeles, Los Angeles County. Granted. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

[D03-01-026](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-38  
1563****A02-03-005 - Alameda Corridor Transportation Authority (ACTA).**

ACTA requests authority to construct three additional main line tracks underneath the Sepulveda Boulevard Overhead grade separation bridge structure in the City of Carson, Los Angeles County. Granted. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

[D03-01-027](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-39  
1564****A02-03-026 - Alameda Corridor Transportation Authority (ACTA).**

ACTA requests authority to construct two additional main line tracks underneath the existing Terminal Island Freeway Overhead grade separation bridge structure in Los Angeles, Los Angeles County. Granted. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

[D03-01-028](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-40  
1565****Res E-3791 - California Department of Transportation (DOT).**

This resolution grants DOT's request for deviation from California Public Utilities Code Section 320 and authorizes DOT to relocate electric, telephone, and cable facilities along scenic Highway 50 in Placerville to overhead instead of underground.

**Outcome Approved**

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-41  
1566****A02-04-016 - Fariborz Alishahi dba Orange County Cruiser.**

This decision authorizes Fariborz Alishahi to operate an on-call passenger stage corporation between points in Orange County and John Wayne Airport. This proceeding is closed.

(Exam Clark)

**Outcome Signed**

[D03-01-029](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-42  
1567****Res ST-58**

This resolution approves the Consumer Protection and Safety Division's final audit report titled, "Triennial On-Site Safety Audit of the Sacramento Regional Transit District (SRTD)," dated December 18, 2002. SRTD is ordered to implement the recommendations contained in the report and to provide quarterly progress reports.

**Outcome Approved**

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-43  
1569****A02-11-010 - Pacific Gas and Electric Company (PG&E).**

This decision confirms that under G.O. 69-C, PG&E may grant a license to California Department of Transportation to conduct a building foundation investigation on PG&E property. Since the Commission is not required to consider this application further, the application is dismissed. This proceeding is closed.

(Comr Brown - ALJ Prestidge)

**Outcome Signed**

[D03-01-030](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-44  
1572**

**Res SU-55 - Pacific Gas and Electric Company (PG&E).**

This resolution authorizes PG&E a variance from Title 49 Code of Federal Regulations 192.723(b)(2), as adopted in General Order 112E, Rule 101.2, for its natural gas distribution system. Under this resolution, PG&E is permitted to extend the maximum interval between distribution leakage surveys to 63 months from the code requirement of 5 years. The PG&E proposed alternative language is the language currently proposed by the US Department of Transportation, Office of Pipeline Safety (US DOT) as part of rulemaking docket RSPA-99-6106. Subsequent to Commission approval the US DOT must also concur before the waiver becomes effective.

**Outcome Approved**

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-45  
1583**

**(ECP) C02-10-002 - Howard Kavoussi vs. Southern California Edison Company.**

Complaint to recover \$1,521 paid under threat of disconnect of electric service. Held - relief denied. Complainant was an occupant of the service address and could be billed under Tariff Rule 11.B.8. This proceeding is closed.

(Comr Peevey - ALJ Barnett)

**Outcome Signed**

[D03-01-031](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-48  
1587**

**I \_\_\_\_\_ - Order Instituting Investigation on the Commission's Own Motion into the Rates, Operations, Practices, Service and Facilities of Pacific Gas and Electric Company.**

This investigatory proceeding is opened to allow the Commission to be able to enter on matters for which the utility may not be the proponent.

(Comr Peevey - ALJ Cooke)

**Outcome Signed**

I03-01-012

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-49  
1590**

**A00-12-026 - Pacific Gas and Electric Company.**

For approval of agreements under Pub. Util. Code Section 851, allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. This opinion grants the unopposed request to close the proceeding.

(Comr Lynch - ALJ Kenney)

**Outcome Signed**

[D03-01-032](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-50  
1600**

**C02-07-044 - The Utility Consumer's Action Network (UCAN) vs. Pacific Bell Telephone Company, AOL-Time Warner, Inc., Does 1-100**

At the request of UCAN, the statutory deadline for resolving this case is extended to December 31, 2003.

(Comr Brown - ALJ Walker)

**Outcome Signed**

[D03-01-033](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)



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**Regular Agenda****Utility and Transportation Orders**  
**Orders Held Over****H-1                    A98-12-005 - GTE Corporation (GTE) and Bell Atlantic Corporation (Bell Atlantic).**

**93**                    GTE to transfer and Bell Atlantic to acquire control of GTE's California utility subsidiaries which will occur indirectly as a result of GTE's merger with Bell Atlantic. This decision concerns awards for substantial contributions to D00-03-021. The decision modifies D01-09-045 by adding response to comments on the ALJ's draft decision. This proceeding is closed. (Agenda 3073, Item CA-26, 10/10/01).

(Comr Peevey - ALJ Kotz)

(Agenda 3080, Item CA-24 1/23/2002; Agenda 3081, Item CA-19 2/7/2002; Agenda 3090, Item H-2 6/27/2002; Agenda 3091, Item H-3 7/17/2002; Agenda 3093, Item H-2 8/22/2002 (Duque); Agenda 3094, Item CA-3 9/5/2002 (Wood); Agenda 3098, Item H-1 10/24/2002 (Wood); Agenda 3102, Item H-2 12/5/2002 (Lynch); Agenda 3103, Item H-1 12/17/2002 (Brown))

**Outcome   Held (2/13/03.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-1a                    ALTERNATE TO ITEM 93**

**1461**                    This alternate decision grants intervenor compensation awards to TURN, Public Advocates and Greenlining/Latino Issues Forum for their participation in A98-12-005 in the amount of \$146,113.66, \$268,108.93 and \$279,740.33 respectively. If approved this decision will replace D01-09-045 in its entirety.

(Comr Wood)

(Agenda 3102, Item H-2a 12/5/2002 (Lynch); Agenda 3103, Item H-1a 12/17/2002 (Brown))

**Outcome   Held (2/13/03.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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**H-2  
623                    R93-04-003 - Rulemaking on the Commission's own motion to govern open access to  
bottleneck services and establish a framework for Network Architecture Development of  
Dominant Carrier Networks.**

193-04-002 - Related matters. This decision adopts permanent Unbundled Network Element rates for the High Frequency Portion of the Loop (HFPL) for both Pacific Bell Telephone Company (Pacific) and Verizon California Inc. (Verizon). The decision finds that establishing a separate rate for the HFPL allows Pacific and Verizon to over-recover their loop costs, since they currently recover the full cost of the loop through rates for the unbundled loop. Pacific and Verizon are required to return HFPL revenues to each Competitive Local Exchange Carrier that leased the HFPL loops for return to their DSL customers.

(Comr Wood - ALJ Jones)

(Agenda 3089, Item 3 6/6/2002; Agenda 3091, Item H-6 7/17/2002; Agenda 3092, Item H-2 8/8/2002 (Wood); Agenda 3093, Item H-4 8/22/2002 (Peevey); Agenda 3095, Item H-2 9/19/2002 (Wood); Agenda 3098, Item H-2 10/24/2002 (Staff); Agenda 3099, Item H-2 11/7/2002 (Staff); Agenda 3102, Item H-3 12/5/2002 (Brown); Agenda 3103, Item H-2 12/17/2002 (Lynch))

**Outcome   Held (1/30/03. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-2a  
1518                    ALTERNATE TO ITEM 623**

In this decision, the Commission exerts its independent state authority under Public Utilities Code § 709.7 to order Pacific Bell Telephone Company (Pacific) and Verizon California Inc. (Verizon) to offer the line sharing Unbundled Network Element (UNE). The decision adopts a permanent UNE rate for the High-Frequency Portion of the Loop (HFPL) of zero for both Pacific and Verizon. The Interim Line Sharing (ILS) decision determined that there should be a true-up from the interim rates adopted in the ILS proceeding, and the final rates adopted in this Permanent Line Sharing Phase. The ILS proceeding established memorandum accounts to track the revenues from the purchase of the HFPL by Competitive Local Exchange Carriers (CLECs). Since a zero permanent rate is adopted for the HFPL, Pacific is required to refund the revenues from the \$5.85 monthly recurring rate, and Verizon, the \$3.00 monthly recurring rate adopted in the ILS proceeding to the CLEC that purchased each loop.

(Comr Brown)

(Agenda 3103, Item H-2a 12/17/2002 (Lynch))

**Outcome   Held (1/30/03. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-3  
1196****A01-03-008 - Pacific Gas and Electric Company (PG&E).**

This decision denies the Application of PG&E for approval of an irrevocable lease for Metromedia Fiber Network Services, Inc. (MFNS) to use and install fiber optic cable on PG&E's facilities. The Commission finds that PG&E has failed to meet its burden of establishing that the approval it seeks will not cause environmental impacts that require analysis under California Environmental Quality Act. Moreover, PG&E's application is part of a piecemeal approach MFNS has taken to acquiring approval and environmental review of its San Francisco Bay Area fiber optic project. Finally, PG&E has failed to identify with specificity the facilities affected. This proceeding is closed.

(Comr Lynch - ALJ Thomas)

(Agenda 3099, Item 3 11/7/2002 (Staff); Agenda 3101, Item H-9 11/21/2002 (Staff); Agenda 3102, Item H-9 12/5/2002 (Staff); Agenda 3103, Item H-9 12/17/2002 (Staff))

**Outcome Held (2/13/03.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-4  
1208****R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and D01-09-060.**

This decision grants the petition to modify D02-03-055 filed by City of Corona to clarify that utility distribution companies should continue to process and execute new agreements with qualified energy service providers.

(Comr Brown, Comr Wood - ALJ Pulsifer)

(Agenda 3099, Item CA-19 11/7/2002 (Lynch); Agenda 3101, Item H-12 11/21/2002 (Peevey); Agenda 3103, Item H-11 12/17/2002 (Lynch))

**Outcome Held (1/30/03. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-5  
1344****R94-04-031 - Order Instituting Rulemaking on the Commission's Proposed Policies Governing Restructuring California's Electric Services Industry and Reforming Regulation.**

I94-04-032 - Related matters. Because the issues raised in these proceedings are either moot or are being addressed elsewhere, these proceedings are closed.

(Comr Lynch - ALJ Cooke)

(Agenda 3102, Item CA-20 12/5/2002 (Wood))

**Outcome Signed**

[D03-01-034](#)

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-6  
1361**

**I \_\_\_\_\_ - Order Instituting Investigation on the Commission's own motion to review the compliance of San Diego Gas & Electric Company and Southern California Gas Company with the Commission's Affiliate Transaction Rules.**

This investigation will review the activities of Sempra Energy and its subsidiaries and affiliates in regards to their relationship and interactions with the regulated utilities San Diego Gas & Electric Company and Southern California Gas Company to evaluate the utilities' compliance with the Commission's affiliate rules and holding company decisions.

(Agenda 3101, Item 3 11/21/2002 (Lynch); Agenda 3103, Item H-15 12/17/2002 (Lynch))

**Outcome Held (1/30/03. Further review and consultation.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-7  
1375**

**R00-10-002 - Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company (SCE) and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system.**

This decision denies the May 21, 2002 petition for modification of D02-04-060 filed by California Industrial Users and California Large Energy Consumers Association regarding the interruptible program bill limiter of SCE. The proceeding is closed.

(Comr Wood - ALJ Mattson)

(Agenda 3103, Item CA-12 12/17/2002 (Brown))

**Outcome Held (1/30/03. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-7a  
1588**

**ALTERNATE TO ITEM 1375**

The Alternate Draft Decision determines that the bill limiter should not terminate, but should continue in part. The alternate grants the bill limiter in part by continuing the bill limiter on all rate components at issue, but adopts Edison's proposed accounting treatment for funding the revenue shift within the large customer group.

(Comr Brown)

**Outcome Held (1/30/03. Further review.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-8  
1500****A02-03-059 - Pacific Bell Telephone Company (Pacific).**

This decision approves the arbitrated interconnection agreement filed by Pacific and Pac-West Telecomm, Inc., under Rule 4.2 of the Commission's revised rules governing filings made pursuant to the Telecommunications Act of 1996, pursuant to Subsection 252(e) of that Act. This proceeding is closed.

(Comr Wood - ALJ Ryerson)

(Agenda 3103, Item 11 12/17/2002 (Brown))

**Outcome Held (2/13/03. Draft Alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-9 (Rev.)  
1390****A91-11-024 - San Diego Gas & Electric Company (SDG&E).**

For authority to increase its rates and charges for electric, gas, and steam service, effective January 1, 1993. A98-10-012, A98-10-031 - Related matters. The Golden State Manufactured – Home Owners League petitioned to modify D00-04-060 and D00-12-058 in regard to submetered discounts, claiming they are erroneously computed. This decision denies the petition. This issue can be raised in the current SDG&E and Southern California Gas Company Applications (A) 01-10-005 and A01-09-024. These proceedings are closed.

(Comr Peevey - ALJ Barnett)

(Agenda 3103, Item CA-17 12/17/2002 (Lynch))

01/15/2003 - This item appeared as (CA-4) on the agenda distributed to the public.

**Outcome Held (1/30/03. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

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**Orders**

- 1**  
**1480**      **R98-09-005 - Order Instituting Rulemaking on the Commission's Own Motion to Consider Modifications to the Universal Lifeline Telephone Service Program and General Order 153.**  
This decision denies FONES4ALL's amended petition to modify D00-10-028 and modifies the Universal Lifeline Telephone Service administrative expense reimbursement process for Competitive Local Exchange Carriers.  
(Comr Brown - ALJ Jones)  
**Outcome Signed**  
[D03-01-035](#)  
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 2**  
**1481**      **A02-06-019 - Pacific Gas and Electric Company (PG&E).**  
PG&E requests authority to increase its base revenue by \$96 million to be effective as of April 22, 2002, for electric and gas distribution, customer services, and Humboldt Nuclear SAFSTOR activities to reflect an attrition revenue adjustment for the year 2002. Held: Request denied. It is too speculative to grant an attrition in 2002 based on recorded operations of 1996 and 1997. This proceeding is closed.  
(Comr Peevey - ALJ Barnett)  
**Outcome Held (2/13/03. Consider options.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 3**  
**1493**      **I02-07-014 - Investigation on the Commission's own motion into the San Francisco Airport's refusal to comply with California Public Utilities Code Section 99152 and General Order 164-B and order to show cause why the Airport should not be ordered to complete a system safety program plan prior to commencement of the Airport's operations of its AirTrain transportation system.**  
This Order concludes that the Commission has safety jurisdiction over the AirTrain people-mover system at San Francisco International Airport. This proceeding is closed.  
(Comr Brown - ALJ Walker)  
**Outcome Signed**  
[D03-01-036](#)  
Yes: (Brown, Lynch, Wood)  
No: (none)  
Abstain: (Kennedy, Peevey)  
Absent: (none)

- 
- 4**  
**1479**      **A01-09-040 - Clear World Communications Corporation (Clear World).**  
This decision denies the application of Clear World for a certificate of public convenience and necessity (CPCN) to resell local exchange telecommunications services because it is not fit to provide such services. In addition, this decision prohibits Christopher Mancuso from any involvement with any utility subject to the Commission's jurisdiction, including Clear World, and orders Clear World to show cause why it should not be fined for slamming, and have its CPCN to resell interexchange services revoked.  
(Comr Peevey - ALJ O'Donnell)  
**Outcome Held (1/30/03.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 5**  
**1335**      **A01-09-003 - Pacific Gas and Electric Company (PG&E).**  
Application in the 2001 Annual Transition Cost Proceeding for the record period July 1, 2000 through June 30, 2001. A01-09-005 - Related matters. PG&E's costs found reasonable for its electric supply administration and employee related transition costs; found reasonable for market valuation of its hydro facilities, but the amount is not transferred to the Transition Cost Balancing Account – it is placed in a suspense account; found unreasonable for its shareholder savings incentive. San Diego Gas & Electric Company's costs found reasonable.  
(Comr Brown - ALJ Barnett)  
**Outcome Held (2/13/03. Further review.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 6**  
**1528**      **R01-05-047 - Order Instituting Rulemaking on the Commission's own motion to determine whether baseline allowances for residential usage of gas and electricity should be revised.**  
This decision approves the modified settlement submitted on July 15, 2002 regarding Pacific Gas and Electric Company's residential common area electric accounts.  
(Comr Brown - ALJ TerKeurst)  
**Outcome Signed**  
[D03-01-037](#)  
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)
-

- 7**  
**1529**      **A01-09-062 - California Water Service Company (Cal Water).**  
For an order authorizing Cal Water to increase rates charged for water service at each of its operating districts to recover increased operating expenditures at its General Office. A01-09-063, A01-09-064, A01-09-065, A01-09-066, A01-09-067, A01-09-068, A01-09-069, A01-09-070, A01-09-071, A01-09-072, A01-09-073, A01-09-074 - Related matters. This decision orders Cal Water to show cause why it should not be required to refund to customers all amounts collected in violation of the Public Utilities Code. The decision also sets a briefing schedule for fines and other penalties.  
(Comr Peevey - ALJ Bushey)  
**Outcome Held (1/30/03. Further review.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 8**  
**1543**      **R01-08-028 - Order Instituting Rulemaking to examine the Commission's future energy efficiency policies, administration and programs.**  
In this interim decision, the Commission sets forth the process for consideration of energy efficiency funding for 2003. The assigned Administrative Law Judge (ALJ), Sarah R. Thomas, recently proposed such a process to the parties to this proceeding, and solicited comments on the suggested process. This decision responds to the comments, but adopts the same process ALJ Thomas set forth in her ruling.  
(Comr Lynch - ALJ Thomas)  
**Outcome Signed**  
[D03-01-038](#)  
Yes: (Brown, Kennedy, Lynch, Peevey, Wood)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 9**  
**1602**      **A02-09-018 - Pacific Bell Telephone Company (PacBell).**  
For arbitration of Advice Letter No. 57 filed by Vycere Communicatins, Inc. (Vycere) formally known as Genesis Communications International, Inc., regarding Vycere's request to adopt the interconnection agreement between AT&T Communications of California, Inc. and Pacific Bell Telephone Company. This decision adopts, with modifications, the arbitrated interconnection agreement between PacBell and Vycera Communications, Inc. This proceeding is closed.  
(Comr Wood - ALJ Jones)  
**Outcome Held (1/30/03.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)



- 10 (Rev.)**      **A00-11-038 - Southern California Edison Company.**  
**1619**      For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs.  
A00-11-056, A00-10-028 - Related matters. Consideration of issues raised by DWR in its  
submission on December 27, 2002.  
(Comr Brown, Comr Lynch - ALJ Allen)  
01/09/2003 - This revision was not shown on the Agenda mailed to the public.  
**Outcome Held (1/30/03. Comments due next week.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 11**      **R01-10-024 - Order Instituting Rulemaking to establish policies and cost recovery**  
**1623**      **mechanisms for generation procurement and renewable resource development.**  
This decision addresses the Motions filed by San Diego Gas & Electric Company and Pacific Gas and  
Electric Company on December 19, 2002 and December 20, 2002, respectively, requesting  
consideration and approval of Operating Agreements with the Department of Water Resources.  
(Comr Lynch - ALJ Halligan)  
**Outcome Held (1/30/03.)**  
Yes: (none)  
No: (none)  
Abstain: (none)  
Absent: (none)
- 12 (Rev.)**      **A02-09-008 - Southern California Edison Company (SCE).**  
**1585**      This decision grants the application of SCE to lease available land on the La Fresa-Lighthip  
transmission right of way to General Mills Operations, Inc., under Public Utilities Code Section 851.  
This proceeding is closed.  
(Comr Peevey - ALJ Bemmesderfer)  
01/15/2003 - This item appeared as (CA-46) on the agenda distributed to the public.  
**Outcome Signed (Comr. Lynch reserves the right to file a dissent. Comr. Wood**  
**reserves the right to file a dissent.)**  
D03-01-039  
Yes: (Brown, Kennedy, Peevey)  
No: (Lynch, Wood)  
Abstain: (none)  
Absent: (none)

**13 (Rev.)  
1586**

**A02-09-020 - Southern California Edison Company (SCE).**

This decision grants the application of SCE to lease available land on the Barre-Villa Park transmission right of way to Katella Operating Properties II, LLC. This proceeding is closed.

(Comr Peevey - ALJ Bemmesderfer)

01/15/2003 - This item appeared as (CA-47) on the agenda distributed to the public.

**Outcome Signed (Comr. Lynch reserves the right to join in Comr. Wood's dissent.**

**Comr. Wood reserves the right to file a dissent.)**

D03-01-040

Yes: (Brown, Kennedy, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

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**Utilities Resolutions and Written Reports****Energy Matters****E-1                    Res G-3334 - Southern California Gas Company (SoCalGas).****1348**

SoCalGas proposes an implementation schedule, tariffs, and rules to implement the Gas Industry Reform Decision 01-12-018 (GIR Decision). This resolution denies the advice letters without prejudice, and orders SoCalGas to file an application to implement the GIR Decision. (Advice Letter (AL) 3100-A filed January 28, 2002; AL 3105 filed January 2, 2002; AL 3109-A filed February 13, 2002; AL 3112 filed January 30, 2002; AL 3117 filed February 2, 2002; AL 3123-A filed March 19, 2002; AL 3146 filed May 1, 2002; AL 3147 filed May 2, 2002; and AL 3174 filed July 23, 2002.) (Agenda 3102, Item E-4 12/5/2002 (Wood); Agenda 3103, Item E-4 12/17/2002 (Peevey))

**Outcome   Held (2/27/03. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-1a                    ALTERNATE TO ITEM 1348****1345**

SoCalGas requests an implementation schedule, tariffs and rules to implement the Gas Industry Reform Decision 01-12-018 (GIR Decision). This resolution establishes a schedule for implementation of that decision, orders workshops to resolve issues in the unbundling of intrastate transmission and storage, and orders SoCalGas to file supplemental advice letters on transmission and storage upon completion of the workshops. (Advice Letter (AL) 3109-A filed February 13, 2002, AL 3117 filed February 2, 2002, AL 3123-A filed March 19, 2002, AL 3146 filed May 1, 2002 and AL 3147 filed May 2, 2002.)

(Comr Brown)

(Agenda 3102, Item E-4b 12/5/2002 (Wood); Agenda 3103, Item E-4a 12/17/2002 (Peevey))

**Outcome   Held (2/27/03. Further consideration.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-2  
1368****Res G-3338 - Southern California Gas Company (SoCalGas).**

This resolution approves the request of SoCalGas to deviate from its Tariff Schedule No. GT-I, Interruptible Intrastate Transmission Service; and Rule No. 2, Description of Service.

Approval of these deviations will allow SoCalGas to provide Praxair-Ontario high pressure transmission service while maintaining Praxair's classification as a distribution-level customer. (Advice Letter 3136, filed March 22, 2002.)

(Agenda 3103, Item E-6 12/17/2002 (Peevey))

**Outcome Held (1/30/03. For Alternate.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**Telecommunications Matters****C-1                    Res T-16685****1337**

This resolution revises fiscal year 2002-2003 budget and surcharge rate for the California High Cost Fund-B Administrative Committee Fund adopted in Resolution T-16554.

(Agenda 3102, Item C-3 12/5/2002 (Staff); Agenda 3103, Item C-3 12/17/2002 (Staff))

**Outcome   Held (1/30/03.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**C-2                    Res T-16701****1338**

This resolution revises fiscal year 2002-2003 budget and surcharge rate for the California High Cost Fund-A Administrative Committee Fund adopted in Resolution T-16550.

(Agenda 3102, Item C-4 12/5/2002 (Staff); Agenda 3103, Item C-4 12/17/2002 (Staff))

**Outcome   Held (1/30/03.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**C-3 (Rev.)           Res T-16715 - Citizens Telecommunications Company of California Inc. (Citizens).****1437**

This resolution authorizes Citizens to decrease its annual revenues by \$42,473 for the 2003 Price Cap Mechanism effective February 1, 2003, in accordance with the provisions of D89-10-031 and D94-09-065. (Advice Letter 763, filed October 2, 2002)

(Agenda 3103, Item C-9 12/17/2002 (Staff))

01/13/2003 - This revision was not shown on the Agenda mailed to the public.

**Outcome   Approved**

Yes: (Brown, Kennedy, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**C-4  
1542**

**Res T-16712 - Calaveras Telephone Company (Calaveras), California-Oregon Telephone Company (Cal-Ore), Citizens Telecommunications Company of the Golden State (Citizens-GS), Citizens Telecommunications Company of Tuolumne (Citizens-Tu), Ducor Telephone Company (Ducor), Evans Telephone Company (Evans), Foresthill Telephone Company (Foresthill), Happy Valley Telephone Company (Happy Valley), Hornitos Telephone Company (Hornitos), Kerman Telephone Company (Kerman), Pinnacles Telephone Company (Pinnacles), et al.**

This resolution adopts a total CY 2003 California High Cost Fund-A support of \$25,619,724 for Calaveras, Cal-Ore, Citizens-GS, Citizens-Tu, Ducor, Evans, Foresthill, Happy Valley, Hornitos, Kerman, Pinnacles, The Ponderosa Telephone Company, Sierra Telephone Company, Siskiyou Telephone Company, Verizon West Coast Incorporated, Volcano Telephone Company, and Winterhaven Telephone Company. This resolution is in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter (AL) 254, AL 271, AL 114, AL 110, AL 274, AL 333, AL 185, AL 296, and AL 305, filed September 30, 2002; AL 354 filed September 23, 2002; AL 289, filed September 30, 2002; AL 226, AL 249, AL 221, AL 308, AL 314, and AL 142 filed October 1, 2002 respectively.)

**Outcome Held (1/30/03.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**C-5  
1544**

**Res T-16722 - Verizon California Incorporated (Verizon).**

This resolution denies Verizon's request to amend its existing CentraNet contract with AMI Telecommunications to incorporate individual endusers into the service.

**Outcome Held (1/30/03.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**C-6 (Rev.)      Res T-16720 - Evans Telephone Company (Evans).****1535**

This resolution authorizes total intrastate revenue in the amount of \$8,619,826 for Evans for the test year 2003. This represents a reduction of \$3,611,119 to Evans' estimate of \$11,683,454 for total intrastate revenue for 2003. The Total Intrastate Rate Base amount for Evans is \$5,205,147 with an overall Intrastate Rate of Return of 10.00% for the test year 2003. Evans had requested a Total Intrastate Rate Base amount of \$12,756,407 for an authorized Overall Intrastate Rate of Return of 10.00%. Also authorized by this resolution is California High Cost Fund-A (CHCF-A) support for Evans for test year 2003 of \$16,199. Evans had requested CHCF-A support for 2003 of \$3,627,318. (Advice Letter 326, filed December 19, 2001)

01/09/2003 - This item appeared as (CA-21) on the agenda distributed to the public.

**Outcome   Held (1/30/03.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**C-7 (Rev.)      Res T-16711 - Sierra Telephone Company, Inc. (Sierra).****1538**

This resolution authorizes California High Cost Fund-A support of \$11,649,067 for Sierra for the year 2003. A net intrastate revenue requirement of \$3,744,310 and a total intrastate rate base amount of \$37,443,117 with an authorized overall rate of return of 10% are adopted for the test year 2003. This resolution is in accordance with the provisions of General Order 96-A and Resolution ALJ-181. (Advice Letter 285, filed December 21, 2001)

01/09/2003 - This item appeared as (CA-22) on the agenda distributed to the public.

01/15/2003 - This revision was not shown on the Agenda mailed to the public.

**Outcome   Approved**

Yes: (Brown, Lynch, Peevey, Wood)

No: (none)

Abstain: (Kennedy)

Absent: (none)

**Commissioner's Reports**

**CR-1**            **Commissioners' Reports.**  
**1417**            Miscellaneous Commissioners' reports.

**Outcome   Information Only**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CR-2**            **President Lynch Report**  
**1309**            Institution of investigation regarding the Commission's enforcement regarding misuse of state government property through use of inappropriate material and comparing the Commission's enforcement and standards to those of the Department of Justice and the Office of the Governor. (Agenda 3099, Item CR-2 11/7/2002 (Staff); Agenda 3101, Item CR-2 11/21/2002 (Staff); Agenda 3102, Item CR-2 12/5/2002 (Staff); Agenda 3103, Item CR-2 12/17/2002 (Staff))

**Outcome   Held (2/13/03. Further analysis.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)



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## Management Reports and Resolutions

**M-1**                    **Management Reports**  
**1419**                    Miscellaneous Management reports.  
                         **Outcome Information Only**  
                         Yes: (none)  
                         No: (none)  
                         Abstain: (none)  
                         Absent: (none)

## Closed Session

*This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the*

### Non-Federal Items

#### Orders Held Over

- HEX-1**      **A00-11-038 - Conference with Legal Counsel - Application for Rehearing.**  
**1347**      A00-11-056, A00-10-028 - Related matters. Disposition of Application for Rehearing of D02-06-070, as modified by D02-07-007, filed by Southern California Edison Company and Pacific Gas and Electric Company.  
 (Agenda 3101, Item EX-5 11/21/2002 (Wood); Agenda 3103, Item HEX-2 12/17/2002 (Wood))  
**Outcome Held (2/13/03.)**  
 Yes: (none)  
 No: (none)  
 Abstain: (none)  
 Absent: (none)
- HEX-2**      **C01-12-047 - Conference with Legal Counsel – Application for Rehearing**  
**1495**      Disposition of application for rehearing of D02-10-038 filed by Kenneth Dale and Janis Mae Siemens (Complainants). D02-10-038 granted Union Pacific Railroad Company's (UP) motion to dismiss the Siemens' complaint which sought to: (1) remove a private rural grade crossing located on UP's main line in Red Bluff, and (2) direct UP's train crews to cease sounding the locomotive horn when trains approach the crossing.  
 (Agenda 3103, Item EX-7 12/17/2002 (Staff))  
**Outcome Signed**  
 D03-01-041  
 Yes: (Brown, Kennedy, Lynch, Peevey, Wood)  
 No: (none)  
 Abstain: (none)  
 Absent: (none)

**Orders****EX-6  
1603****A00-11-038 - Conference with Legal Counsel – Application for Rehearing**

A00-11-056, A00-10-028 - Related matters. Disposition of Application for Rehearing of D02-12-072 filed by Pacific Gas & Electric Company. D02-12-072 approved the 2003 Servicing Order Concerning Pacific Gas & Electric Company and the California Department of Water Resources.

**Outcome Held (1/30/03.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**EX-7  
1620****A00-11-038 - Conference with Legal Counsel – Application for Rehearing**

A00-11-056, A00-10-028 - Related matters. Disposition of the application for rehearing of D02-12-045 filed by the Department of Water Resources (DWR) on December 27, 2002. The decision allocates the cost of DWR's forecast 2003 revenue requirement for its power purchase program among the customers of the three major California utilities.

**Outcome Held (1/30/03.)**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**EX-8  
1622****C88-03-016 - Conference with Legal Counsel – Application for Rehearing**

Order disposing of application for rehearing of D01-06-034 filed by Napa Valley Wine Train, Inc. (Wine Train). D01-06-034 grants, in part, the City of St. Helena's petition for modification of prior decisions concerning the Wine Train. D01-06-034 concludes that the Wine Train's passenger excursion service does not constitute regulated transportation and that, in providing such service, the Wine Train is not functioning as a public utility.

**Outcome Signed as Modified**

D03-01-042

Yes: (Brown, Lynch, Peevey, Wood)

No: (none)

Abstain: (Kennedy)

Absent: (none)